

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

MORRIS D. MILLER, #873324

§

VS.

§

CIVIL ACTION NO. 6:14cv517

CHRISTOPHER HOLMAN

§

ORDER OF DISMISSAL

Plaintiff Morris D. Miller, an inmate confined in the Texas prison system, proceeding *pro se* and seeking to proceed *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was directly assigned to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the civil rights lawsuit should be dismissed with prejudice for purposes of *in forma pauperis* proceedings pursuant to the “three strikes” provisions of 28 U.S.C. § 1915(g). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. The Court specifically notes that the Plaintiff has accumulated at least three strikes and the facts as alleged do not satisfy the exception to § 1915(g). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #3) is **ADOPTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that the motion to proceed *in forma pauperis* (docket entry #2) is **DENIED**. The Plaintiff may resume the lawsuit if he pays the entire filing fee of \$400 within thirty days from the entry of the Final Judgment. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 19th day of June, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE